**THE HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION NOs: 23043,22898,23055 and 23060 of 2006**

Dated: 13-11-2006

Between:

Battu Srinivas

**..... PETITIONER**

AND

The Singareni Colleries Company Ltd.,
Hyderabad and another.

**.....RESPONDENTS**

**THE HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION NO: 23043,22898,23055 and 23060 of 2006**

**C O M M O N O R D E R:**

The petitioners in all these writ petitions, are the registered civil contractors with Singareni Colleries Company Ltd. They filed these writ petitions questioning the orders dated 16-09-2006 passed by the second respondent debarring the petitioners from participating in tenders of the Singareni Colleries Company Ltd., including the works or unit rate system for a period of one year with immediate effect.

A perusal of the orders impugned shows that one B.Ravinder Reddy, Contractor had reported that he was beaten by the petitioners and the tender schedule was snatched away from him while he was coming to submit a tender schedule for the work of Bhupalpalli G.M's Office.

The impugned orders are challenged by the petitioners primarily on the ground that the same were passed without affording an opportunity to them to rebut the allegations.

On behalf of the respondents counter affidavits have been filed by the Deputy Superintending Engineer (Civil), in which it has been explained that as per the Civil Contracts Manual of the respondent-company, when the contractors are proved to be indulged in any act that effects image of organisation or committing crimes for the purpose of grabbing the works, the respondent company has every right to blacklist them. It is further stated that in the case on hand, after receiving the complaints from one B.Ravinder Reddy and after making due enquiry and basing on the vigilance report, since the allegations

made by the complainant were found to be true, the impugned orders were passed. It is also sated that as a matter of fact crime No.17of 2006 has also been registered on the file of the Bhupalpalli Police Station for the offences under Section 324, 384 and 506 I.P.C. in connection with the allegations on which the impugned orders were passed. However, the allegation that no prior notice was given to the petitioners has not been denied.

Having heard both the parties and having regard to the admitted fact that the petitioners herein were not afforded any opportunity to rebut the allegations made by the complainant but the conclusion arrived at by the respondents were based on the enquiry said to have been conducted behind the back of the petitioners without giving an opportunity to the petitioners to put forth their version, I am of the opinion that the impugned orders being violative of the fundamental principles of natural justice are liable to set aside on that ground alone.

Accordingly the impugned orders are set aside and the writ petitions are disposed of making it clear that this Court has not expressed any opinion as to the correctness of the allegations and the respondents are at liberty to initiate fresh proceedings if so advised and to pass appropriate orders in accordance with law. No costs.

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**G. ROHINI, J**

Dated: 13-11-2006

Note: Issue C.C. tomorrow.

B/o

KLP